

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL PRETRIAL MINUTES

JUDGE WILLIAM ALSUP

Date: July 18, 2006

Case No.: CR 05-0611- WHA

Title: UNITED STATES -v- Dale Heineman (custody) (Pro Se)
UNITED STATES -v- Kurt Johnson (custody) (Pro Se)
UNITED STATES -v- Farrel J. Lecompte
UNITED STATES -v- Charles Tobias (custody)

Appearances:

For the Government: James Keller, Peter Axelrod

For the Defendant: For Farrel J. Lecompte: Matthew Jacobs
For Charles Tobias : Josh Cohen

Interpreter: N/A

Probation Officer: N/A

Deputy Clerk: Edward Butler

Court Reporter: Katherine Powell

PROCEEDINGS

1) Motion / Trial Setting.

2) _____

Case continued to 9/5/06 at 2:00 p.m. for Status/Plea/Trial Setting

Case continued to _____ for Pretrial Conference

Case continued to _____ for Jury Trial

Time Excluded: **Begins: 7/18/06** **Ends: 9/6/06**

ORDERED AFTER HEARING:

1) Deputy US Marshal Brad (last name unknown) informs the court about a dangerous item found in defendant Tobias' materials. The court directs the marshal to contact defendant Tobias' case officer at the correctional facility to clear any misunderstanding about the item.

2) The court will refer the pending Mandate, regarding Defendant Heineman and Johnson, that is treated as a Motion to Recuse, to the District Court's Reassignment Committee, where it will handled in its entirety by another member of the court.

E-filing

FILED

JUL 18 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

3) Defendant Lecompte has until 8/15/06 to file or join the motion to recuse.

4) Defendants Heineman and Johnson submit new pleadings with the court:

- A. Amended Cross-Complaint. The clerk is allowed to file the pleading, however no party is obligated to respond.
- B. Summons and Subpoenas. The Government is directed to first review the materials and determine whether the materials are meritorious and require a response. The Government will respond within one week. The clerk hands the tendered materials to the Government.
- C. "Order of Dismissal." The clerk is directed to place the materials in an envelope, to be placed in the file, with a cover sheet indicated that the court has determined that what is contained in the envelope is not a legitimate order of the court.

5) The court finds that for the reasons stated, for effective preparation of counsel and complexity of the case, time is excluded from Speedy Trial Act calculations from 7/18 to 9/5/06, and that the excludable time applies to all the defendants of the case.